

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ko WATANABE *et al.* Confirmation No. 2190

Serial No. : 10/591,459

Filed : September 1, 2006

For : MOUNTING STRUCTURE FOR STORAGE BATTERY DEVICE

Group Art Unit : 3618

Examiner : Jeffrey J. RESTIFO

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOVEMBER 12, 2009 OFFICE ACTION AND
APPLICANT'S STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

As an initial matter, in light of the interview and Examiner's agreement to prepare Examiner's amendment, it is the Applicant's understanding that the final Office Action mailed November 12, 2009 has been effectively withdrawn by the Examiner.

In compliance with M.P.E.P. 713.04, the Applicant provides this Statement of Substance of Interview concerning the telephonic interview conducted on February 4, 2010, with Examiner Restifo, and Applicant's representative, Daniel Shanley.

- (A) Exhibits. N/A
- (B) Claims. 1 and 5-8.
- (C) Prior art. Tsuchida.
- (D) Amendments. Discussed cancellation of claims 1 and 5-8 to place application in condition for allowance.

- (E) Interview subject matter: Discussed rejection of claim 1. Examiner maintained that the recitation "wherein the fixing member is adapted to deform to increase a space in an up-down direction between a rearward portion of the storage battery device and a rearward portion of the kick-up portion" did not structurally distinguish claim 1 from the cited reference (i.e., it is merely functional language). Also, Examiner indicated, even if recitation distinguished claims, that this recitation was directed to a non-elected embodiment.
- (F) Other matters. Applicant would file divisional application directed to the non-elected subject matter (e.g., claims 1 and 5-8) in accordance with the provisions of 35 U.S.C. § 121.
- (G) Results. Agreement was reached. Examiner agreed to generate an *Examiner's amendment* to cancel claims 1 and 5-8 to place the application in condition for allowance.

CONCLUSION

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. Although not believed necessary, the Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: February 12, 2010

By: /Daniel G. Shanley/
Daniel G. Shanley
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